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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/902,972	07/11/2001	Atsushi Suzuki	10873.756US01	9740

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EXAMINER

QUARTERMAN, KEVIN J

ART UNIT	PAPER NUMBER
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2879

DATE MAILED: 02/21/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/902,972

Applicant(s)

SUZUKI ET AL.

Examiner

Kevin Quarterman

Art Unit

2879

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 January 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) 6-9 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4,5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Claims 6-9 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in Paper No. 7.

Specification

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.
3. The following title is suggested: --CATHODE RAY TUBE WITH PANEL PROVIDED WITH COLORED LAYER--.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.
5. Claims 1-5 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Independent claim 1 states that "an emission luminance ratio is 75% or higher in a lowest part relative to a highest part and a diffuse reflectance ratio is 90% or higher in a lowest part relative to a highest part in an image display area of the face portion" in the last three lines of the claim. The specification, along with the

Art Unit: 2879

drawings, teaches the face portion being flat. Thus, the "lowest part" and "highest part" are not described in the specification in such a way as to enable one skilled in the art to make and/or use the invention. Due to their dependency upon independent claim 1, claims 2-5 are also rejected for the same reasons.

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 1-5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

8. Independent claim 1 states that "an emission luminance ratio is 75% or higher in a lowest part relative to a highest part and a diffuse reflectance ratio is 90% or higher in a lowest part relative to a highest part in an image display area of the face portion" in the last three lines of the claim. It is unclear whether the emission luminance ratio is 75% or higher in a *lowest part* of the panel, the colored layer, or the face portion relative to a *highest part* of the panel, the colored layer, or the face portion, any other feature of the cathode ray tube. The terms "lowest part" and "highest part" are not clearly defined in the claims. Due to their dependency upon independent claim 1, claims 2-5 are also deemed indefinite for the same reasons.

9. Also, in regards to claims 4-5, claim 4 states "a boundary line showing a distribution of light transmittance in the colored is a convex form protruding from the center of the face portion toward the periphery." It is unclear whether the boundary line protrudes toward *the periphery* of the panel, the colored layer, or the face portion.

Claim Rejections - 35 USC § 102

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

11. Claims 1-5 are rejected under 35 U.S.C. 102(e) as being anticipated by Hosotani (US 6114803).

12. Regarding independent claim 1, Figure 5 of Hosotani shows a cathode ray tube comprising a panel (1) provided with a colored layer (33) on an outer surface of a face portion.

13. The Examiner notes that the functional recitation that “an emission luminance ratio is 75% or higher in a lowest part relative to a highest part and a diffuse reflectance ratio is 90% or higher in a lowest part relative to a highest part in an image display area of the face portion” has not been given patentable weight because it is narrative in form. In order to be patentable weight, a functional recitation must be expressed as a “means” for performing the specified function, as set forth in 35 USC § 112, 6th paragraph, and must be supported by recitation in the claim of sufficient structure to warrant presence of the functional language. Claims directed to apparatus must be distinguished from the

prior art in terms of structure rather than function. Apparatus claims cover what a device *is*, not what a device *does* (See MPEP § 2114).

14. Regarding claim 2, the functional recitation that “a light transmittance of the colored layer in a periphery of the face portion is the same as or larger than a light transmittance in a center” has not been given patentable weight for the same reasons discussed earlier for independent claim 1.

15. Regarding claim 3, Figure 5 of Hosotani shows a substantially flat outer surface of the face portion and a curved inner surface of the face portion. The functional recitation that “a light transmittance ratio of the colored layer is 100 to 120% in a peripheral portion on a minor axis of the face portion relative to a center” has not been given patentable weight for the same reasons discussed earlier with respect to independent claim 1.

16. Regarding claims 4-5, Figure 5 of Hosotani shows a boundary line (edge of the panel) having an approximate Ω -letterform protruding from the center of the face portion toward the periphery.

Conclusion

17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Moscony (US 4025661) discloses a viewing-screen structure for a cathode ray tube. Nelson (US 4682075) discloses an image display including improved light-absorbing matrix. Kinoshita (US 5446339) discloses a cathode ray tube having an antistatic/anti-reflection film. Ihara (US 5952137) discloses a color filter for a display a display device.

Art Unit: 2879

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Quarterman whose telephone number is (703) 308-6546. The examiner can normally be reached on M-F (8-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimesh Patel can be reached on (703) 305-4794. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7382 for regular communications and (703) 308-7382 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

Kevin Quarterman
Examiner
Art Unit 2879

kq 
February 12, 2003



Vip Patel
Primary Examiner
Art Unit 2879